United Nations A/HRC/25/66

General Assembly

Distr.: General
22 January 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Recommendations of the Forum on Minority Issues at its sixth session: Guaranteeing the rights of religious minorities (26 and 27 November 2013)

GE.14-10471

1410471

Please recycle

Contents

		Paragraphs	*Page*
I.	Introduction	1–6	3
II.	General considerations	7–13	3
III.	Recommendations	14–68	5
	A. General recommendations	14–16	5
	B. Implementation of international standards in domestic legislation	17–25	5
	C. Policies and programmes	26–35	6
	D. Consultation and participation	36–39	7
	E. Education	40–45	8
	F. Training and awareness-raising	46–48	9
	G. Research and data	49–52	9
	H. Prevention of violence and protection of the security of religious minorities	53–64	10
	I. Interfaith dialogue, consultation and exchange	65–68	11

I. Introduction

1. The present document, prepared in accordance with Human Rights Council resolution 19/23, contains the recommendations that emanated from the sixth session of the Forum, which sought to provide concrete and tangible outcomes in the form of thematic recommendations of practical value to all stakeholders.

2. The sixth session of the Forum on Minority Issues, which was held on 26 and 27 November 2013, focused on practical and concrete measures aimed at guaranteeing the rights of religious minorities. The Chair of the session was Hedina Sijerčić of Bosnia and Herzegovina. The work of the Forum was guided by the Independent Expert on minority issues, Rita Izsák. The participants, numbering over 500, included representatives of Governments, numerous representatives of minority communities from all regions of the world, and representatives of treaty bodies, special procedures, United Nations specialized agencies, regional intergovernmental bodies, national human rights institutions and civil society.

3. The recommendations contained in the present document are tailored for and addressed to the wide range of stakeholders responsible for the promotion and protection of minority rights, including States Members of the United Nations, United Nations agencies, funds and programmes, national human rights institutions and civil society organizations, and persons belonging to national or ethnic, religious and linguistic minorities as the bearers of these rights.

4. The recommendations are based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), as well as other international and regional human rights standards and principles developed by different stakeholders and domestic legislation. The jurisprudence and general comments of treaty bodies, as well as relevant reports and recommendations from different special procedures, including the work of the Special Rapporteur on freedom of religion or belief, have informed the present recommendations. This document also reflects all inputs received from participants in the Forum.

5. The range of issues included in the recommendations is not exhaustive. It is hoped that the recommendations will be interpreted in a constructive manner, in cooperation and open dialogue with religious minority communities in the light of the obligations of States to implement human rights standards effectively in practice.

6. The recommendations are phrased in broad terms and can be implemented in countries with diverse historical, cultural and religious backgrounds. A great variety of country and minority situations exist, and consequently, different measures may be required to promote and protect the rights of persons belonging to minorities within a given State. The Forum also reiterated the fact that such measures ought to be monitored and reviewed on a regular basis to ensure that they achieve their required objectives. The Forum has consistently emphasized that standard solutions are generally neither possible nor desirable, and that its recommendations should therefore be used as a source of general guidance.

II. General considerations

7. An inclusive approach to defining which groups fall within the scope of religious minorities would be one that is in line with the Human Rights Committee's general comment No. 23 (1994) on the rights of minorities, which emphasizes that "the existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria" (para. 5.2).

In its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, the Committee further stressed that the terms "belief" and "religion" should be broadly construed and that application of article 18 of the International Covenant on Civil and Political Rights must not be limited to traditional or established religions. The State must therefore also ensure non-discrimination and equal enjoyment of human rights for smaller, dispersed or newly arrived religious communities. The right for individuals to self-identify as belonging to a religious minority or not to do so must be recognized, and discussions should not be limited to officially recognized groups.

8. The term "religious minorities" as used in the present document therefore encompasses a broad range of religious or belief communities, traditional and non-traditional, whether recognized by the State or not, including more recently established faith or belief groups, and large and small communities, that seek protection of their rights under minority rights standards. Non-believers, atheists or agnostics may also face challenges and discrimination and require protection of their rights. Attention should likewise be given to the situation of religious minorities where they form the minority in a particular region or locality, but not in the country as a whole.

9. The diversity that exists within minority religious groups must be recognized. The rights of every single member of such minority groups must be respected fully. Religious minorities may also be national, ethnic or linguistic minorities. Discrimination against them may be compounded, intersectional, and based not only on their religious identity but also on their ethnic, linguistic or other identity, and on perceptions of them as being the "other" or not fully belonging. Women and girls belonging to religious minorities may experience multiple or intersectional forms of discrimination in the course of their interactions within and outside their group. A gender perspective that takes into account the multiple and intersecting forms of discrimination that minority women and girls might face is critical when addressing minority rights and the situation of minority women and girls in a given religious minority group, and in a particular country.

10. In their efforts to guarantee the rights of religious minorities, all stakeholders are encouraged to refer to the substantive and action-oriented recommendations made at the five previous sessions of the Forum, focusing on the key thematic areas of minorities and the right to education, effective political participation, effective participation in economic life, ways to guarantee the rights of minority women and girls, and effective implementation of the Declaration.[1] These recommendations equally apply to religious minorities and should be considered as complementary to the recommendations contained in the present document, which are aimed at addressing particular areas of concern to religious minorities.

11. All measures taken with a view to implementing the recommendations made at the Forum session should be, to the fullest extent possible, developed, designed, implemented and reviewed with the full and effective participation of religious minorities, including women. The conditions allowing for such collaboration and the mechanisms to facilitate consultation should be put in place by all actors involved. Efforts should also be made to ensure that the diverse views within minority groups, including those of religious leaders but also of other members of the community, are sought and taken into account in the process. All efforts should be made to ensure that the principle of self-identification/self-understanding of members of religious minorities is respected.

[1] See previous recommendations of the Forum in A/HRC/10/11/Add.1, A/HRC/13/25, A/HRC/16/46, A/HRC/19/71 and A/HRC/22/60.

12. Representatives of minority communities, including associations, organizations, traditional leadership institutions, religious bodies, and other institutions freely established by religious minorities themselves according to their own tenets and traditions, should be engaged in a meaningful participatory process in all aspects of the implementation of the recommendations.

13. The Forum welcomes the information received from stakeholders on the different measures that have been taken to date to implement its recommendations from previous sessions. All stakeholders are encouraged to continue such engagement and sharing of information.

III. Recommendations

A. General recommendations

14. The provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities should be translated by States into domestic legislation. All States should fully implement the Declaration with due regard to the situation of religious minorities present in the country. Members of religious minorities should be guaranteed implementation of the full range of rights under the Declaration, recognizing that these include, but extend beyond, the right to freedom of religion or belief.

15. States must fully comply with and implement article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and other international standards related to freedom of religion or belief, giving specific consideration to the issues of particular concern to religious minorities, who may experience discrimination, marginalization and stigmatization and who may require greater and targeted attention in order to ensure their rights.

16. States should consider, where appropriate, special measures that address discrimination and inequality experienced by persons belonging to religious minorities. Institutional attention to religious minorities should be strengthened as appropriate to facilitate such measures and improve the mainstreaming of minority issues in national-level bodies, including government ministries or departments working on central concerns for minorities, national human rights institutions, consultative bodies and mechanisms, and other relevant national entities.

B. Implementation of international standards in domestic legislation

17. States should ensure that there is no discriminatory treatment in regard to the legal and administrative recognition of all religious and belief groups. Any registration and administrative procedures, including those relating to the property and the functioning of places of worship and other religious-based institutions, should be conducted according to non-discrimination standards. International standards do not allow non-recognition of religious or belief groups to result in denial of their rights. Such standards require an inclusive approach to be taken.

18. Existing legislation should be reviewed to ensure that no provisions exist in law that are discriminatory or have a directly or indirectly discriminatory impact on persons belonging to religious minorities. Furthermore, requirements and official procedures

resulting from the application of laws — and their possible discriminatory impact on some individuals and groups — should be reviewed and amended.

19. States should adopt domestic anti-discrimination legislation that includes provisions that prohibit direct and indirect discrimination against persons belonging to religious minorities. Governments should ensure the implementation of such legislation, including at local levels. They should further ensure that remedies are available and easily accessible for religious minorities, and that adequate penalties are applied in the event of violation.

20. States should exercise no undue influence over religious minority affairs, including with respect to the appointment of religious leaders, the functioning of places of worship, and any legitimate religion- or belief-based activities.

21. States that have not already adopted laws protecting against incitement to religious hatred, religious discrimination, and hostility or violence against religious minorities, should do so in line with applicable international standards and good practices, and should ensure that penalties are appropriate and are enforced in practice.

22. States should protect the interdependent freedoms of religion and expression that together encompass the rights to teach, proselytize and criticize any religion, while encouraging a respectful and peaceful coexistence.

23. States should ensure that anti-terrorism legislation and policies and their application do not lead to negative consequences for members of religious groups, in particular as a result of religious profiling. Religious profiling in the context of anti-terrorism measures should be prohibited by law.

24. Blasphemy laws as well as provisions on offences related to religions should be repealed and replaced with provisions that are in conformity with applicable international human rights standards, including in relation to the right to freedom of religion or belief, and the right of persons to freely change their religion or belief if they so choose.

25. Harmful traditional religion- or belief-based practices that violate the human rights of any individual should be prohibited by law and addressed in conformity with international standards. Where appropriate, consultations should be undertaken with leaders and members of religious communities to address such issues and their causes.

C. Policies and programmes

26. States should demonstrate their commitment to protecting the rights of religious minorities by ensuring that issues that concern them are consistently integrated into and are reflected in government policies and programmes. Minority rights-based approaches should be implemented that are comprehensive in scope and recognize that persons belonging to religious minorities, including women, may require special attention and positive measures to ensure the full enjoyment of their rights to non-discrimination and equality in all aspects of society — cultural, religious, social, economic and political.

27. The composition of national institutions, including government bodies and public employers, should be reviewed periodically to ensure that they are representative of the religious minorities present in society. States should promote the recruitment of persons belonging to religious minorities, including women belonging to religious minorities, into institutions including national, public and government bodies.

28. Measures to ensure access to justice for persons belonging to minority religious groups should be taken, such as the training of public and law enforcement officials on the rights contained in the Declaration and domestic legislation that are relevant to the rights of

religious minorities. Efforts should be made to increase the representation of religious minorities in law enforcement bodies, the judiciary and other relevant public institutions.

29. As provided for in the Declaration, States should engage with neighbouring and kin States that religious minorities emanate from and/or maintain peaceful contacts with. They should foster positive exchanges and provide appropriate religious and/or cultural support to religious communities, and support for them to establish and maintain peaceful contacts with other members of their group both within their own country and across State borders.

30. Economic actors, including private businesses, as well as bodies representing employees, such as trade unions, should ensure that religious minorities and their specific religious requirements are reasonably accommodated in the workplace. Trade unions should, for example, develop expertise on the challenges facing religious minorities in the labour market in their country, and seek to engage policymakers and employers in finding solutions.

31. National human rights institutions should develop expertise on the religious diversity within the State concerned, and actively ensure that challenges faced by religious groups are addressed in their work. As appropriate to national circumstances, they should consider establishing a specialized unit and/or regional offices, and developing guidelines on religious minority issues. They should promote and ensure the representation of such religious diversity within their own secretariat and staff.

32. States should consider establishing a specially mandated, independent ombudsman/institution that would receive complaints of, and initiate investigations into, violations of the rights of religious minorities by both State and non-state actors. Such an institution should play an active role in developing and overseeing implementation of policy, programmes and legislation, and in identifying target areas, in collaboration with the local, regional and national governments.

33. Where religious minorities form the majority in a particular region or locality, cultural and/or political autonomy arrangements may be considered appropriate, with due consideration given to ensuring the rights of those who may form a minority in those localities. Such arrangements should be established with the meaningful participation of minorities.

34. Measures should be put in place to protect and maintain the cultural heritage of religious minorities — including buildings, monuments, burial grounds and other sites of religious significance, as well as the documents, records and artefacts belonging to religious minorities.

35. All States should take steps to implement the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

D. Consultation and participation

36. Positive measures to ensure consultation with and participation of all religious minorities at all levels of society are required. The inclusion of religious minorities in consultative and decision-making bodies helps to ensure that their views, issues and concerns are taken into account. States should facilitate the establishment of bodies and mechanisms aimed at creating a space for discussions and exchanges on issues relevant to religious minorities.

37. States should engage in open-ended consultations with the full range of minority religious groups and with wider society on measures to improve respect for all the human rights of persons belonging to religious minorities.

38. Measures to improve the representation and participation of religious minorities in all fields of life, including targeted recruitment and training initiatives, should be taken and promoted in the public and private sectors. Religious minorities, including from smaller communities, should be represented in oversight and regulatory bodies relating to, for example, law enforcement services, political institutions and the media.

39. States should promote equitable access for minorities to the media as well as information and communications technologies and tools, including the Internet and online social media channels. Such channels are an important vehicle for the dissemination of information and sharing of good practices, for encouraging the effective participation of religious minorities, including young people, in all spheres of life, and for fostering a spirit of acceptance at all levels and in interfaith discussions.

E. Education

40. States must ensure that the national educational environment guarantees equal access to those belonging to religious minorities. They should also ensure that it is welcoming and non-discriminatory, and that students belonging to minority religious groups have the opportunity to learn about their own religion, manifest their religion, participate in their religious holidays, and learn about the religions and beliefs of others.

41. Governments should develop and implement inclusive and targeted education policies that provide access to high-quality learning environments for all persons belonging to religious minorities. Intercultural education approaches that are minority-sensitive should be adopted, with particular attention paid to reflecting plurality and the positive contribution of religious minorities to society, and to countering negative stereotypes and myths about their faiths and groups.

42. Where public education includes instruction in a particular religion or belief, provision should be made for non-discriminatory exemptions or alternatives to accommodate the wishes and religious education requirements/needs of religious minorities. Instruction in subjects such as the general history of religions, where it is delivered, should be conducted with a view to promoting interfaith and interreligious understanding and dialogue. Measures should be taken to ensure that children (along with their parents/legal guardians) may choose whether to participate in classes of religious education or not.

43. Particular attention should be paid to the educational needs of girls belonging to religious minorities. Ensuring that they have equal access to education may require dialogue with and within religious communities that is aimed at formulating appropriate human rights-based approaches to issues such as cultural barriers to equal access to education for girls, and dress requirements in schools, including bans on headscarves.

44. Measures should be taken to address existing barriers that might directly or indirectly prevent some religious minorities, including minority women, from accessing tertiary education due to their religious affiliation. This could be done, for example, through the development of affirmative action schemes in education policies for members of religious minorities.

45. Human rights education should integrate a minority rights component and give special attention to religious minorities, as appropriate. Governments should collaborate with religious minority actors and organizations in the development of materials relevant to

religious minority rights and the religious communities in the State, and ensure that minority issues are fully reflected in and mainstreamed into school curricula. School texts must be reviewed to ensure that they reflect and are appropriate for religious minorities, and do not convey negative stereotypes about them, or about the majority religion, if any.

F. Training and awareness-raising

46. All actors should take initiatives to raise awareness of issues affecting religious minorities. This should include campaigns on the rights of persons belonging to religious minorities, with activities aimed at the promotion of the Declaration and relevant national legislation, as well as information on existing specialized minority-rights and equality bodies, departments or agencies, and their services. Outreach should be targeted at religious minority communities, including via minority media and in minority localities and languages, as well as to the wider society.

47. In conformity with the Declaration, States should take measures to encourage knowledge of the religions, history, traditions, language and culture of the religious minorities that exist within their territory. Measures to inform society at large may include, for example, the development of resource materials on the history, culture, traditions, and positive contributions to society of the different religious groups present in the State, as well as media-based initiatives to encourage knowledge about religious minorities.

48. Training initiatives on minority rights, non-discrimination and equality, freedom of religion or belief, and good practices and methodologies should be considered within all relevant public institutions. Public and law enforcement officials should be provided with such training, and monitoring and oversight mechanisms should be put in place to identify and punish discriminatory behaviour when dealing with religious minorities, particularly in cases of intentional exclusion or harassment and religious or ethnic profiling.

G. Research and data

49. States should undertake research and data-gathering exercises, including in the context of national census surveys, aimed at compiling detailed information on the demographic and socioeconomic situation of religious minorities in their country.

50. Disaggregated data should be gathered that are quantitative and qualitative in nature and that include consideration of the situation of religious minorities relative to other members of society. Research should assess the freedom of persons belonging to religious minorities to practise their religion, culture and traditions, and should consider key areas of minority concern, including access to quality education, employment, health and housing, and the ability to participate effectively in public life.

51. National statistical bodies should be mandated to collect data on religious minorities. Governments should also consider, where necessary, providing support to the work of non-governmental organizations and research centres to initiate research projects relevant to the religious minorities in the State/region, where necessary. In all circumstances, research and census staff should be appropriately trained to collect data with cultural sensitivity in diverse faith communities.

52. A full picture of the religious and belief diversity in a State should include all religions and belief groups. Data collection should be conducted in a sensitive manner and on a voluntary basis, consistent with the right of religious minorities to self-identification, with full respect for the privacy and anonymity of the individuals concerned, and in accordance with international standards of personal data protection.

H. Prevention of violence and protection of the security of religious minorities

53. States have the responsibility to protect human rights and security for all and to create conditions of peace and stability. They must act appropriately and rapidly to protect the rights and security of persons belonging to religious minorities under threat, and prosecute anyone who commits, supports or incites violence against them.

54. All States should ratify and implement the Convention on the Prevention and Punishment of the Crime of Genocide, which criminalizes acts committed with intent to destroy — in whole or in part — national, ethnic, racial or religious groups. They should adopt the policy options for the prevention of incitement to atrocity crimes that were developed by the Office on Genocide Prevention and the Responsibility to Protect.

55. Where necessary, States should cooperate actively with existing United Nations early warning mechanisms such as the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect, concerning the prevention of violence against persons belonging to religious minorities. They should also exchange good practices in this regard.

56. Preventive measures should be taken against acts of violence directed against persons or religious sites belonging to religious minorities. In situations of extreme risk, appropriate preventive measures should be rapidly deployed by law enforcement bodies and adapted as the situation evolves.

57. States should ensure that all cases of intimidation, harassment, persecution and other serious human rights violations against persons belonging to religious minorities, including through the use of Internet tools and platforms, are thoroughly and immediately investigated, and that the perpetrators are punished. Appropriate measures, including legal assistance, should be made available to minority religious groups as required in order to document cases of violence or intimidation, and to effectively prosecute those who commit attacks on them and communal violence. There should be provision for adequate rehabilitation and compensation for victims of communal violence.

58. States should take comprehensive measures against discrimination, intolerance, and — most notably — hostility or violence, torture and killings on the grounds of religion or belief. National legislation conforming to relevant international standards should be adopted, where necessary, in order to create precise and coherent legal bases for condemning perpetrators, bringing them to justice and punishing them, for all acts of violence.

59. The negative portrayal of religious minorities in the media or in official or political discourse has a significant influence on how they may be perceived by the population in general, and should be addressed. Where such discourse amounts to hate speech or incitement to religious hatred, appropriate legal penalties should be enforced, in conformity with international standards.

60. States should take all necessary measures to ensure that hate speech has no place in public discourse, including in the political sphere and the media, and that the effects of certain policies, in particular anti-terrorism laws, do not arbitrarily target specific religious minorities.

61. In conflict situations, special attention must be paid to the situation and security of persons belonging to vulnerable religious minorities. Efforts should be made to fully reintegrate, with dignity, religious communities that have been internally displaced during conflict, to allow access to all places of worship and other religious sites, and to ensure the protection of religious minorities present on the territory. Religious minorities from all

religions within a State should be actively involved, including at the earliest stages and throughout peacebuilding initiatives and reconciliation processes.

62. States should take all necessary measures to ensure the protection of minority religious communities, and minority human rights defenders and representatives — including women, who may be at greater risk of violence. They should develop effective protection programmes, where necessary, that are defined by law and include early-warning systems.

63. In the host countries of migrant workers, asylum seekers and refugees, measures should be taken to ensure that decision-makers and immigration officers are knowledgeable about issues surrounding religious persecution.

64. In countries affected by conflict or natural disaster, crisis management and humanitarian response operations undertaken by national or international actors should incorporate knowledge of the religious terrain and religious diversity of the affected communities, and ensure that responses are non-discriminatory and appropriate to religious values, traditions and sensitivities.

I. Interfaith dialogue, consultation and exchange

65. In multi-faith societies, efforts to build a climate of trust, understanding, acceptance, and interfaith cooperation and exchange should be established. Such measures benefit the whole of society and are essential elements of good governance.

66. States should consider creating or facilitating national and regional institutions aimed at fostering interfaith dialogue, and projects promoting a culture of understanding and a spirit of acceptance. The establishment of formal and informal national and local institutions and platforms for dialogue, where representatives of religious groups meet regularly to discuss issues of common concern, should be encouraged.

67. The potential of religious and political leaders for helping to build tolerant, inclusive societies, and for initiating and supporting such efforts and activities, should be harnessed. Such influential community and national figures should be at the forefront of dialogue and inter-community cohesion efforts, and of public condemnation of any advocacy of religious hatred, discrimination, hostility or violence. Political parties should also foster participation, tolerance and dialogue.

68. Initiatives relating to interreligious and interfaith dialogues should be as inclusive as possible and should be encouraged at the grass-roots level. The participation of women and young people who belong to religious minorities should be particularly encouraged, and ensured via active outreach. The use of different channels of communication to foster interfaith dialogue and exchange, such as the media, the arts and local institutions, should also be promoted.